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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,396	07/29/2003	Jeffrey L. Johanning	ADV08 291 CIP2	3972
7590 05/19/2006			EXAMINER	
Duane Morris LLP Suite 700 1667 K. Street N.W. Washington, DC 20006			PATEL, ASHOK	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,396

Applicant(s)

JOHANNING ET AL.

Examiner

Ashok Patel

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 17-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2879

1. Applicant's election with traverse of Group I, claims 1-16, in the reply filed on 02/24/2006, is acknowledged. Applicant's selective traversal is on the ground(s) that the search required for one Group is not required for other group. This is not found persuasive because the search required for one group is in one class 313, whereas the search required for other Group is in different. For example, group I is in class 313, subclass, whereas the search required for group V is in class 445, subclass 26. Similarly, the search required for Group II is not required for group II or IV or V. Also, the search required for Group III is not required for group II or IV or V. Also, the search required for Group IV is not required for group II or III or V. Also, the search required for Group V is not required for group I or II or III or IV.

Besides, search criteria for restriction requirement, distinctness of invention is also critical factor, which applicant has not challenged.

The requirement is still deemed proper and is therefore made FINAL. An action on merits including claims 1-16 follows.

2. The drawings are objected to because (1) the reference numeral 141, as described in the specification, is not shown in

Art Unit: 2879

any drawing Figure, (2) also it is unclear as to how the item shown in Figure 5 is structurally related with the lamp device.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 2879

3. Claims 1-13 are in condition for allowance since prior art of the record does not disclose or teach applicant's claimed HID lamp including: an outer lamp envelope, an arc tube, a mounting structure for supporting the arc tube within the outer lamp envelope and for providing electrical coupling between the arc tube and an electrical power receiving lamp base, the mounting structure includes: all of: a stem assembly, an elongated frame, a pair of spaced apart reflectors, a pair of spaced apart arc tube holders, a first electrical connector, and a second electrical connector, as **specifically** recited in claim 1.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Hierholzer (USPN 2749461).

Hierholzer discloses a high intensity discharge lamp (Figure 1) including an outer lamp envelope (27), an arc tube (11), and a mounting structure (Frame including plates 32, 33) for laterally and axially supporting the arc tube within the

Art Unit: 2879

outer lamp envelope, the improvement wherein the mounting structure (frame and plates 32, 33) provides for limited axial movement of the arc tube to thereby reduce mechanical failure of the mounting structure when subjected to mechanical agitation.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wimberly (USPN 6744187).

Wimberly discloses a lamp including an envelope enclosing a lamp stem assembly mounted at the opening at one end of the envelope, a lead (16) providing an electrical path between the

Art Unit: 2879

stem assembly and a tube (14) through a reflector (24), and means (18) for electrically insulating the lead from the reflector, the insulating means includes aperture through which the lead passes.

Wimberly differs from applicant's claimed lamp device in that the lamp used in Wimberly's device is not a discharge lamp, as claimed by applicant. Further, Wimberly does not disclose the insulating means made of ceramic as claimed by applicant.

However providing either filament or discharge light source within the lamp is old and well known to those skilled in the art for emitting light from the lamp device. In light of this, it would have been obvious to one of ordinary skill in the art to replace the filament lamp with a discharge lamp for emitting the light.

Further, providing the insulating means of any suitable known material would have been obvious to one of ordinary skill in the art for holding the leads separate from each other or for keeping leads away from the reflector. In light of this, it would have been obvious to one of ordinary skill in the art to use any suitable material for the insulating means for holding the leads separate from each other or for keeping leads away from the reflector.

Art Unit: 2879

As to claim 16, applicant is claiming a second lead (other lead 16) providing an electrical path between the stem assembly and the tube through the reflector, and (the same) means (18) for electrically insulating the second lead from the reflector, the insulating means includes two spaced apart apertures, one of the leads passing through one of the apertures and the other of the leads passing through the other of the apertures.

Wimberly differs from applicant's claimed lamp device in that the ceramic used in Wimberly's lamp device is not a monolithic as claimed by applicant.

However, as mentioned earlier in this office action, providing the insulating means of any suitable known material would have been obvious to one of ordinary skill in the art for holding the leads separate from each other or for keeping leads away from the reflector. In light of this, it would have been obvious to one of ordinary skill in the art to use any suitable material for the insulating means for holding the leads separate from each other or for keeping leads away from the reflector.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

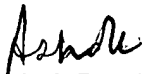
Art Unit: 2879

Benson et al, Gustin, Krasko et al, Dolan et al, Brown et al and Brown et al each are cited for showing general structure of a lamp including a mounting structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
Art Unit 2879